

ABBY B. CONLEY,

CIVIL DIVISION

Plaintiff,

No.: 05-CV-76 E

-vs-

Judge Sean J. McLaughlin

COUNTY OF ERIE, ERIE COUNTY OFFICE
OF CHILDREN AND YOUTH a/k/a ERIE
COUNTY CHILD WELFARE SERVICE,
RICHARD SCHENKER, individually and in
his capacity as County Executive of Erie
County, Pennsylvania, PETER CALLAN,
individually and in his capacity as Erie County
Director of Personnel, DEBRA LIEBEL,
individually and in her capacity as Executive
Director, Erie County Office of Children and
Youth a/k/a Erie County Child Welfare
Service, and JOHN A. ONORATO,
ESQUIRE, individually and in his capacity as
Erie County Solicitor,

Defendants.

DEFENDANTS' ANSWERS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES

AND NOW, comes the Defendants, by and through their counsel, the Law Office
of Joseph S. Weimer and Edmond R. Joyal, Jr., Esquire, and hereby submits the following
Answers to Plaintiff's First Set of Interrogatories as follows:

County and/or the Office of Children and Youth at the time of the meeting of September 10, 2004.

ANSWER:

Objection. This interrogatory is unduly burdensome in that it is not specific in time and includes thousands of e-mails contained on the hard drives of computers used by plaintiff during her employment with Erie county OCY. In addition, most e-mails contain information that is confidential in nature and protected from disclosure by state and federal law. The defendants object as well on the grounds that the interrogatory as written is not reasonably calculated to lead to the discovery of admissible evidence.

2. Please identify each e-mail to or from plaintiff which came into the possession of Erie County and/or the Office of Children and Youth subsequent to the meeting of September 10, 2004.

ANSWER:

Upon information and belief, none.

that was in the possession of Erie County or the Office of Children and Youth at the time of the meeting of September 10, 2004.

ANSWER:

Objection on the grounds that this information is contained in case records and is protected by state and federal privacy statutes. Without waiving this objection upon information and belief, defendant County of Erie was not aware of any such letters prior to September 10, 2004.

4. Please identify each letter to or from or between Robert Beer and Vickie Wilson that came into the possession of Erie County or the Office of Children and Youth after the meeting of September 10, 2004.

ANSWER:

Objection on the grounds that this information is contained in case records and is protected by state and federal privacy statutes. Without waiving this objection all letters relevant to this action were identified and produced at the depositions of Abby Conley and Deanna Cosby.

Youth who was disciplined for a violation of the County E-mail policy between 2000 and the date of your answer, setting forth the name of the employee, the nature of the violation, and the discipline imposed.

ANSWER:

None. Abby Conley was disciplined for using the email system of Erie County to disclose confidential information concerning its clients to persons not entitled by law to receive such information.

6. Please identify each other document that was in the possession of and actually considered by Erie County and the Office of Children and Youth in connection with the meeting of September 10, 2004.

ANSWER:

Objection. This interrogatory is vague and indecipherable. Therefore, the defendant is unable to respond to it.

7. Please set forth the number of prenatal detention orders sought by the Erie County Office of Children and Youth between January 1, 2000 and the date of your answer to this Interrogatory, setting forth the number that were granted and the number that were denied.

ANSWER:

Objection. This interrogatory is not reasonable calculated to lead to the discovery of admissible evidence. Without waiving this objection, upon information and belief, 134 granted and none denied by the court.

8. Please identify each internal policy, rule, statute, regulation, or other policy governing the circumstances in which a prenatal detention order is sought.

ANSWER:

42 Pa. C. S. A. §§ 6325, 6325; 55 Pa. Code 3490.73. Also, see the attached administrative orders.

who were adopted with the participation of the Erie County Office of Children and Youth
between January 1, 2000 and the date of your answer to this Interrogatory.

ANSWER:

Objection, this interrogatory is not reasonably calculated to lead to the discovery
of admissible evidence.

10. Please identify each source of funding to the County Office of Children and
Youth that is based on, tied to, or related to the number of adoptions or the change in the number
of adoptions completed with the participation of the Erie County Office of Children and Youth.

ANSWER:


Objection on the grounds that this interrogatory is not reasonably calculated to
lead to the discovery of admissible evidence. Without waiving this objection the federal money
is directed though Title IV E of department of human services statutes and the other money
comes from state and county sources.

confidential information, specifically describing the information, identifying the person or entity to whom the information was disclosed, the statute, rule, regulation, policy, or other basis for your claim that the information was confidential, the date upon which each instance that you allege constitutes a breach of confidentiality occurred and the date upon which each instance was discovered.

ANSWER:

Upon information and belief plaintiff disclosed such information to Deanna Cosby, Vickie Wilson, E. Palatella and other unknown persons. The violations of policy and statutes were identified during plaintiff's deposition and the deposition of Deanna Cosby. The dates of the emails are exhibits to both depositions. In addition, plaintiff's counsel was provided all of this information during the proceedings before the state labor relations board. The date of discovery of this information is unknown to the defendant at this time.

LAW OFFICE OF JOSEPH S. WEIMER



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County of Erie, Erie County Office of
Children and Youth a/k/a Erie County Child
Welfare Service, Richard Schenker, Peter
Callan, and Debra Liebel

CERTIFICATE OF SERVICE

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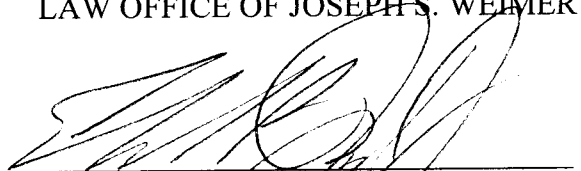
I hereby certify that a true and correct copy of the foregoing DEFENDANTS' ANSWERS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES has been served by First Class Mail, postage pre-paid, upon the following parties on this 21st day of November, 2005.

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(*Counsel for Defendant, John A. Onorato, Esquire*)

LAW OFFICE OF JOSEPH S. WEIMER

A large, stylized handwritten signature in black ink, appearing to read 'Edmond R. Joyal, Jr.', is written over a horizontal line.

Edmond R. Joyal, Jr., Esquire
Attorney for Defendants
County of Erie, Erie County Office of
Children and Youth a/k/a Erie County Child
Welfare Service, Richard Schenker, Peter
Callan, and Debra Liebel